

TRAFFICKING IN PERSONS REPORT 2012: GUYANA (Tier 2)

Guyana is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Guyanese nationals have been subjected to human trafficking in other countries in the Caribbean region. Cases of human trafficking reported in the media generally involved women and girls in forced prostitution. Country experts expressed concern that exploitative child labor practices occur within the mining industry, agriculture, and forestry sector. The limited government control of Guyana's vast interior regions, combined with profits from gold mining and the prostitution that accompanies the industry provide conditions conducive for trafficking. People in domestic service in Guyana are vulnerable to human trafficking, and instances of the common Guyanese practice of poor, rural families sending children to live with higher-income family members or acquaintances in more populated areas creates conditions conducive to domestic servitude. Guyanese from rural, economically depressed areas are particularly vulnerable to trafficking in mining areas and urban centers. There is additional concern that young Brazilian women in prostitution are vulnerable to trafficking as well. The Government of Guyana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increased efforts to identify and assist trafficking victims. There were no prosecutions of trafficking offenders and there was no reported progress on prosecutions initiated in previous reporting periods, highlighting serious concerns about a lack of accountability for trafficking offenders in Guyana. The absence of formal standard operating procedures to guide officials in victim identification and protection, disincentives for reporting and working on trafficking cases, as well as lack of action to address perceived official complicity, were also obstacles to progress.

Recommendations for Guyana

Boost efforts to hold Trafficking offenders accountable by vigorously and appropriately investigating and prosecuting forced prostitution and forced labor, including police, customs, and immigration officers complicit in trafficking; in partnership with NGOs, develop standard operating procedures to guide and encourage front line officials, including police, health, immigration, labor, mining, and forestry personnel in the identification and protection of forced labor and forced prostitution, ensuring that victims are not punished for crimes committed as a result of being in a trafficking situation; foster a climate of open dialogue on trafficking and encouraging people to come forward to authorities on potential cases; and consider developing a working level task force to complement the policy level task force that would be able to coordinate the day-to-day efforts of law enforcement, NGOs, prosecutors, as well as labor, health, mining, and forestry officials to address obstacles, plan strategy, and work together on specific cases.

Prosecution

The government made no discernible progress in holding human trafficking offenders in Guyana accountable during the reporting period. The Combating Trafficking of Persons Act of 2005 prohibits all forms of trafficking and prescribes sufficiently stringent penalties, ranging from three years' to life imprisonment. The penalties are commensurate with penalties prescribed for other serious crimes, such as rape. The government reported 13 trafficking reports during the year but reported initiating only two new trafficking investigations. Authorities reported no new prosecutions or convictions. Of two sex trafficking prosecutions initiated in previous years, one remained pending, and one was dismissed. There were many challenges to achieving prosecutions in Guyana. In almost all cases, the government treated trafficking as a summary offense in the lower courts, where cases are often dismissed, indicating a lack of severity assigned to the crime of trafficking. Guyana's legal system suffered from a severe case

backlog in all areas that limits the efficiency and effectiveness of the system; repeated delays in nearly all criminal prosecutions increased the likelihood that victims would become discouraged and cease cooperation as witnesses in trafficking prosecutions. Perceived corruption and low public confidence in the Guyana Police Force also were problems. The government's public insistence that human trafficking is not a significant problem in the country created a potential disincentive for police and court officials to address trafficking cases. There was evidence that people could be penalized for reporting suspected human trafficking crimes to the police. The press reported that police arrested a mother immediately after she reported concern that her daughter was in forced prostitution.

Protection

The government made efforts to protect victims of trafficking during the reporting period. Specifically, in a positive step, the government was able to document that it identified and assisted an increased number of sex trafficking victims during the reporting period. Officials reported identifying 13 sex trafficking victims and assisting six of these during the reporting period, compared with three sex trafficking victims identified and assisted during the previous reporting period. For another year, the government did not identify any victims of forced labor, raising concerns that the government did not employ systematic procedures to guide front-line responders, such as police, mining officials, forestry officials, labor inspectors, and health officials, in identifying victims of human trafficking. Trafficking victims in Guyana faced disincentives to seek help from authorities due to fear of retribution from trafficking offenders and fear of arrest. The government estimated that it spent the equivalent of approximately \$7,500 toward trafficking victim assistance during the reporting period. The government had an unsigned memorandum of understanding with a domestic violence NGO in Georgetown to provide shelter and other assistance; the NGO assisted the six sex trafficking victims referred to it by authorities during the reporting period. There were no shelter facilities in other areas of the country. In accordance with Guyana's anti-trafficking law, there are legal alternatives to the removal of foreign victims to their home countries where they may face hardship or retribution. Highlighting the need for standard operating procedures to guide authorities in the identification and handling of potential trafficking cases, there was evidence that some potential trafficking victims were penalized for crimes committed as a result of being in a trafficking situation. Following anti-trafficking raids of brothels in 2011, some foreign women in prostitution were jailed and deported immediately for immigration violations, without the involvement of an NGO or concerted efforts to identify possible trafficking victims. Local observers have noted that other potential child victims may have been sent to the juvenile detention center.

Prevention

The government made limited progress in preventing human trafficking during the reporting period. The government continued to focus its public comments on the scope of Guyana's trafficking problem, maintaining that it is limited, rather than fostering an open dialogue to build public awareness of the potential for trafficking and how to identify, report, and prevent cases. Minimizing the existence of human trafficking hindered the progress of trafficking awareness campaigns, which were largely donor driven and funded. An NGO that received government funding operated a hotline that had operators trained to assist trafficking victims. The government has not updated its national action plan to combat trafficking in persons since 2005. The Ministry of Home Affairs was the lead agency for combating human trafficking, with the minister of Home Affairs serving as chair of the government's national task force for combating trafficking in persons. The Ministry of Labor, Human Services, and Social Security was the lead agency for victim related issues and child labor. Officials did not report any measures to reduce the demand for commercial sex acts during the reporting period. There were no reports that Guyana was a significant sex tourism destination. America. The groups most at risk to trafficking were t

hose from the lowest income backgrounds, especially undocumented Haitians. One Haitian government report estimated that the births of more than 10 percent of Haitians were not registered. The Government of Haiti does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government failed to demonstrate evidence of increasing efforts to address human trafficking over the previous reporting period; therefore, Haiti is placed on Tier 2 Watch List. The absence of strong legislation criminalizing all forms of human trafficking and related policies or laws on victim protection severely limited the government's ability to prosecute trafficking offenders and protect victims. Still recovering from the 2010 earthquake, coordination of anti-trafficking activities remained a challenge and support for victims was almost exclusively donor funded because of the lack of capacity in existing and weak government institutions. However, government officials worked with NGOs to rescue child trafficking victims.